

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By this Amendment, Claim 21 is canceled without prejudice. Thus, Claims 1, 4-11 and 20 are pending in this application. Claims 1 and 11 are independent. Claim 11 has been withdrawn by the Examiner. Accordingly, Claim 1 is the only independent claim under consideration. No new matter is added.

The Official Action's rejection of canceled Claim 21 under 35 U.S.C. §112, first paragraph, is moot.

The Official Action first rejects independent Claim 1 under 35 U.S.C. §102(b) over U.S. Patent No. 6,253,988 to Pereira. The rejection is respectfully traversed.

Independent Claim 1 is directed to a vehicular glazing panel comprising, *inter alia*, a lead-free solder including tin in an amount that is less than 50% by weight and a mechanical stress modifier, which inhibits the occurrence of a stress fault in the pane of glass in the region of the solder, in the form of bismuth metal or antimony metal.

Pereira discloses a low temperature solder which the Official Action says corresponds to the claimed lead-free solder. However, Pereira's solder is not lead-free. Specifically, Pereira discloses in line 46 of column 1 and in line 59 of column 2 that the solder contains about 0.2% lead. The Official Action refers to line 17 of column 3 of Pereira to support its conclusion that Pereira's solder is lead-free. Here, Pereira states that "no lead is *added* to solder composition 20" (emphasis added). However, in the passage that immediately follows line 17, Pereira states that, "As a result, solder composition 20 is lead-free except for the small level of acceptable contamination allowed for as indicated above" (see lines 18-20 of column 3). That is,

Pereira simply states that no lead beyond the 0.2% already existing in the solder composition 20 is added to the composition. Accordingly, Pereira does not disclose a lead-free solder as recited in independent Claim 1 at issue here. Therefore, independent Claim 1 is patentable over Pereira for at least this reason.

The Official Action also rejects independent Claim 1 under 35 U.S.C. §102(b) over European Application Publication No. 1110431 to Castle et al. ("Castle") or alternatively under 35 U.S.C. §103(a) over Castle in view of U.S. Application Publication No. 2001/0002982 A1 to Sarkhel et al. ("Sarkhel"). The rejections are respectfully traversed.

As discussed above, independent Claim 1 recites a vehicular glazing panel comprising, *inter alia*, a lead-free solder.

Castle discloses a eutectic solder used in the production of heated windows. The Official Action refers to the description in line 5 of page 2 of Castle which mentions a tin/bismuth eutectic solder having a melting point of 138°C. The Official Action takes the position that this tin/bismuth eutectic solder is known to be a lead-free solder. To support its position, the Official Action refers to paragraph [0040] of Sarkhel. Here, Sarkhel discloses a tin/bismuth eutectic solder having 42% tin and 58% bismuth, and possessing a melting point of 138°C. Sarkhel characterizes the solder as lead-free. Accordingly, the Official Action's position is that, based on Sarkhel's eutectic solder, the tin/bismuth eutectic solder described in Castle is inherently a disclosure of a lead-free solder. Applicants respectfully disagree.

In particular, there is no evidence that Castle's tin/bismuth eutectic solder is the same as Sarkhel's 42%-tin/58%-bismuth eutectic solder. For example, there is no evidence of record that Castle's tin/bismuth eutectic solder contains only tin and bismuth, without lead. Nor is there any evidence that eutectic solders such as

disclosed by Castle contain only two elements. That is, the Official Action has failed to establish that the tin/bismuth eutectic solder disclosed by Castle is necessarily and inherently lead-free. Sarkhel certainly does not state that all tin/bismuth eutectic solders are lead-free. Accordingly, there is insufficient evidence supported by articulated reasoning and rational underpinning to support the Official Action's position that Castle's tin/bismuth eutectic solder is lead-free. Thus, independent Claim 1 is patentable over Castle individually, and over the combination of Castle and Sarkhel.

Claims 4-10 and 20 are patentable over the applied references at least by virtue of their dependence from patentable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejections is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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